

City Council Agenda

Council President
Mike Dages

Councilmembers

**Tom Boyajian
Brian Calhoun
Jerry Duncan**

**Henry T. Perea
Cynthia Sterling
Larry Westerlund**

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

August 30, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Barry Falke of New Harvest Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "COMMEMORATE THE CENTENNIAL ANNIVERSARY OF THE FRESNO ASSOCIATION OF REALTORS DAY" – Councilmember Calhoun

Recognition of Starbucks for Increasing FUN in Fresno – Councilmember Duncan

Presentation of Commendation for Recipients of the Historic Preservation Partnership Award of Merit in Housing and Community Development – Councilmember Sterling

Presentation of an Appreciation Award to Public Works Employee Mary Baker

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 23, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered on September 20, 2005.

- A. * **RESOLUTION** – Approving a Freeway Agreement with the California Department of Transportation (CalTrans) for Freeway 180 from Chestnut Avenue to 0.3 mile west of Temperance Avenue and authorizing the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno – Public Works Dept.
Action Taken:
- B. **RESOLUTION** – Of Intention to vacate a portion of N. Bryan Avenue, west of Barstow Avenue – Public Works Dept.
Action Taken:
- C. * Award a contract to Bowen Engineering and Environmental of Fresno for building demolition at 800 and 808 “M” Street – Public Works Dept.
Action Taken:
- D. **RESOLUTION** – Declaring the official intent of the City of Fresno to reimburse certain expenditures from proceeds of indebtedness for improvements at the Fresno Convention Center – Public Works Dept.
Action Taken:
- E. * Approve a contract for utility relocation on Freeway 180 East between the City of Fresno and California Department of Transportation (CalTrans) – Public Works Dept.
Action Taken:
- F. **RESOLUTION** – Of intention to establish a special tax district (Community Facilities District No. 14) and to authorize levy of a special tax – Public Works Dept.
Action Taken:
- G. * Extend an interim requirements contract to Allstar Fire Equipment, Inc. of Hayward, CA, for structural firefighting protective garments (turnouts) – Fire Department
Action Taken:
- H. **ITEM REMOVED FROM THE AGENDA**

- I. * Authorize the agreement between the City of Fresno and the Fresno Metropolitan Flood Control District to install emergency services communications antennae on an existing communications tower owned by the Fresno Metropolitan Flood Control District – Information Services Department
Action Taken:
- J. * Authorize the agreement between the City of Fresno and the County of Fresno to grant to each other a no-fee, revocable use of rights to their respective communications sites – Information Services Department
Action Taken:
- K. * Award a contract to Scott Aircraft, Inc. of Fresno, CA, for the purchase of one (1) used six passenger airplane – Police Department
Action Taken:
1. * **RESOLUTION** – 18th amendment to AAR No. 2005-286 to rebudget \$221,800 from the Homeland Security Grant Project for a fixed wing aircraft **(Requires 5 affirmative votes)**
Action Taken:
- L. * Recommend approval to Amendment No. 1 to the Home Investment Partnerships (HOME) Program agreement between the City and Sierra Gateway Senior Residence, together with such modifications as Council may authorize on the date of the hearing for this matter, subject to prior approval as to form by the City Attorney's Office, to provide an additional \$500,000 in HOME Program funds for the project – Planning and Development Department
Action Taken:
- M. **RESOLUTION** – Approving the Final Map of Tract No. 5395 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Planning and Development Director, and Fire Chief to execute the necessary documents – Planning and Development Department
Action Taken:
- N. **RESOLUTION** – Approving the Final Map of Tract No. 4598 and accepting dedicated public uses therein; authorize the Public Works Director, Planning and Development Director, and Fire Chief to execute the necessary documents – Planning and Development Department
Action Taken:
1. * **RESOLUTION** – 16th amendment to the Annual Appropriation Resolution No. 2005-286 appropriating \$140,000 for the subdivider's initial deposit for rights-of-way acquisition along S. Armstrong Avenue **(Requires 5 affirmative votes)**
Action Taken:
- O. Recommend approval of an increase to the loan amount of the Home Buyer Assistance Program to a maximum of \$50,000 – Planning and Development Department
Action Taken:
- P. * Adopt the proposed spending plan for fiscal year 2005-2006 State of California Supplemental Law Enforcement Services Funds (SLESF) – Police Dept.
Action Taken:
1. * **RESOLUTION** – 11th amendment to AAR No. 2005-286 appropriating \$275,300 and reallocating \$402,100 from contingency to meet expenses associated with the Fresno Police Department's State of California Supplemental Law Enforcement Services Fund (SLESF) **(Requires 5 affirmative votes)**
Action Taken:
- Q. Approve and authorize the Director of Public Utilities or his designee to make application for and accept rebate funds in the California Public Utilities Commission Agricultural Pumping Efficiency Rebate Program – Dept. of Public Utilities
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- R. * Approve agreement with Kelling, Northcross & Nobriga, Inc. for financial advisory services and authorize the Interim Controller to negotiate and execute the agreement for services – Finance Dept.
Action Taken:
- S. Approve reappointment of Nat DiBuduo to the Planning Commission – Mayor's Office
Action Taken:
- T. **BILL - (For introduction)** - Amending the Fresno Municipal Code repealing Article 4 to Chapter 9, and adding Article 4 to Chapter 9 relating to solid waste disposal, recycling and green waste collection and disposal, and amending subsection (k) of Section 1-603, relating to cost and penalty recovery – Dept. of Public Utilities
Action Taken:
- U. **BILL - (For introduction)** - Amending the Fresno Municipal Code repealing Division 4 and re-enacting Division 4 of Article 1, Chapter 13 relating to building regulations (electrical) – Planning and Development Dept.
Action Taken:
- V. * **BILL NO. B-90 – (Intro. Aug. 23, 2005) (For adoption)** - Amending the Fresno Municipal Code relating to the storage of safe and sane fireworks – Fire Dept.
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Action Taken:

3. **CITY COUNCIL**

- A. Council discussion and staff direction to return to Council with options to include the process and criteria for placing a moratorium or suspended application process on new residential and commercial development until the severely outdated development impact fees have been updated to ensure that orderly and responsible growth occurs in the City of Fresno – Councilmember Calhoun
Action Taken:
- B. Recognition of the City Councilmembers position becoming full-time and adjust base compensation for future members and Mayor to account for cost of living changes - Councilmember Duncan
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider Rezone Application No. R-05-14 and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville Homes, pertaining to 0.69 acre of property located on the northeasterly side of "H" Street between Amador and Sacramento Streets **(Property located in District 3)** – Planning and Development Department
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-14, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the M-1 (*Light Manufacturing*) zone district to the C-4 (*Central Trading*) zone district.
Action Taken:
- 10:10 A.M. HEARING** to consider Rezone Application No. R-05-16 and environmental findings, filed by Jose and Erlinda Jamili, pertaining to 1.06 acres of property located on the south side of E. Fillmore Avenue, south of E. Tulare Street between S. Chestnut and S. Winery Avenues **(Property located in District 5)** – Planning and Development Department
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-16, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone 0.72 acre of the subject property from the R-3 (*Medium Density Multiple Family Residential*) zone district and 0.34 acre from R-A (*Single Family Residential-Agricultural*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district.
Action Taken:
- 10:30 A.M. HEARING** to consider Rezone Application No. R-04-104 and environmental findings, filed by Clifford Tutelian on behalf of Park Place Holdings, pertaining to 19.08 acres of property located on the southwest corner of N. Palm and W. Nees Avenues **(Property located in District 2)** – Planning and Development Department
Action Taken:
- a. Consider and adopt a finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-104/C-04-318
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district.
Action Taken:
- 10:35 A.M.#1 CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 – Public Works Dept. **(Continue to September 20, 2005, at 10:35 a.m.)**
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 and authorizing the levy of a special tax
 - b. **RESOLUTION** – Calling a special mailed-ballot election
 - c. **RESOLUTION** – Declaring election results
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:35 A.M.#2 CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 102, Final Tract Map No. 5458 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.102, Final Tract Map No. 5458 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 102, Final Tract Map No. 5458
Action Taken:
- 10:35 A.M.#3 HEARING** to consider Community Facilities District No. 2, Annexation No. 103, Final Tract Map No. 5248 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.103, Final Tract Map No. 5248 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 103, Final Tract Map No. 5248
Action Taken:
- 10:35 A.M.#4 CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 100, Final Tract Map No. 5235 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.100, Final Tract Map No. 5235 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 100, Final Tract Map No. 5235
Action Taken:
- 10:35 A.M.#5 HEARING** to consider Community Facilities District No. 2, Annexation No. 101, Final Tract Map No. 5325 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.101, Final Tract Map No. 5325 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to CFD No. 2, Annexation No. 101, Final Tract Map No. 5325
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:45 A.M.** **HEARING** to consider designation of the W.D. Coates Home, located at 264 North Van Ness Avenue and Black's Package Company (Gottschalk's Service Center), located at 755 Van Ness Avenue to the Local Register of Historic Resources – Planning and Development Dept.
Action Taken:
1. * **RESOLUTION** – Designating the W.D. Coates Home, located at 264 North Van Ness Avenue, to the Local Register of Historic Resources
Action Taken:
 2. * **RESOLUTION** – Designating Black's Package Company Building, located at 755 Van Ness Avenue, to the Local Register of Historic Resources
Action Taken:
- 11:00 A.M.** * Award a contract for the last, best and final proposal from MV Transportation, Inc. of Fairfield, CA, for demand response paratransit services; authorize the Director of the Department of Transportation/Fresno Area Express to negotiate an interim contract for demand response paratransit services with Laidlaw Transit Services, Inc. – General Services Dept./Fresno Area Express
Action Taken:
- 2:00 P.M. #1** **CONTESTED CONSENT CALENDAR**
- 2:00 P.M. #2** **CLOSED SESSION**
- A.** **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Government Code Section 54956.9, Subdivision (b)
1. **Case Name:** CalTrans v. City of Fresno (Fancher Creek, Real Party in Interest)
Action Taken:
- 2:00 P.M. #3** **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**
- 2:30 P.M.** **CONTINUED HEARING** to amend MFS Resolution No. 80-420 increasing the Police, Fire, and Park Impact fees – Public Works Dept.
Action Taken:
- a. * **RESOLUTION** – Expressing the City's intent to adopt a Parkland Dedication ordinance under the Subdivision Map Act and a Citywide park facilities fee, both based on a standard of 3.0 acres of parkland per thousand residents
Action Taken:
 - b. Receive report on proposed Police and Fire impact fees
Action Taken:
 - c. Schedule necessary hearings for adoption of Police, Fire, and Park Impact fees and Quimby Act Fee for September 20, 2005
Action Taken:
- 3:00 P.M.** **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**
- Approve Agency minutes of August 16, 2005
Action Taken:
- AGENCY GENERAL CONSENT CALENDAR**
- A.** Approve the relocation plan for the Hope VI Project at the southwest corner of California and Walnut Avenues (***Council and Agency action***) – Public Works Dept.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

AGENCY GENERAL CONSENT CALENDAR CONTINUED

- B. JOINT RESOLUTION** – Authorizing the Executive Director and the City Manager to execute the Sub-Grant Agreement between the City of Fresno, Grantee, and the Redevelopment Agency designating the Agency as Sub-Grantee of the Housing and Urban Development - Economic Development Initiative (HUD-EDI) Special Project Grant No. B-03-SP-CA-0112 for the redevelopment of the Roeding Business Park Redevelopment Project Area **(Council and Agency action)**
Action Taken:
- C.** Approve assignment agreement, subordination agreement and pledge agreement concerning the sale of the Grizzlies Franchise from Fresno Diamond Group, LLC, to Fresno Baseball Club, LLC **(Council and Agency action)**
Action Taken:

4:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- A.** Discussion and direction regarding sale of property within the South Fresno Industrial Revitalization Redevelopment Area, property located at 2316 E. Annadale Avenue
Action Taken:
1. Approve and authorize Executive Director to enter into a Purchase and Sales Agreement for the Gregor Boat Company property located at 2316 E. Annadale Avenue
Action Taken:
 2. **JOINT RESOLUTION** – Approving a Disposition and Development Agreement between the Redevelopment Agency of the City of Fresno and Scelzi Enterprises, Inc., and making certain findings **(Council and Agency action)**
Action Taken:
- B. CONTINUED HEARING** regarding the Convention Center Redevelopment Plan:
1. Find that the proposed plan amendments, as reflected by the amended plan, conform to the Fresno General Plan and adopt the Environmental Finding of Conformity/Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan for Environmental Assessment NO. RDA 2005-1 **(Council and Agency action)**
Action Taken:
 2. Find that the Convention Center Redevelopment Plan, as proposed to be amended, is consistent with the Fresno General Plan including, but not limited to, the Housing Element of the General Plan **(Council and Agency action)**
Action Taken:
 3. **BILL** – Amending the Redevelopment Plan for the Convention Center Redevelopment Project Area **(Council action)**
Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. HEARING to consider Rezone Application No. R-04-79 and environmental findings, filed by Edward and Janis Donaghy, pertaining to approximately 15.6 acres of property located on the southeast corner of E. Herndon Avenue and N. Fresno (***Property located in District 6***) – Planning and Development Department

Action Taken:

1. Consider and adopt Environmental Assessment No. R-04-79/C-04-213/S-05-55, finding of conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

2. **BILL** – Amending the Official Zone Map to rezone the southern 5.55 acres of the subject site from the R-P/cz (*Residential and Professional Office District/with conditions of zoning*) and the southeasterly 0.19 acre of the subject site from the R-1 (*Single Family Residential District*) zone district to the C-P/EA/cz (*Administrative and Professional Office District/Expressway Area Overlay District/with conditions of zoning*) zone district. In addition, the subject application proposes to amend the conditions of zoning.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Sept. 6 - **NO MEETING - COUNCIL VACATION**
 Sept. 13 - **NO MEETING - COUNCIL VACATION**

Sept. 20 - **8:30 A.M.** Presentation of Fresno Area Express Driver Appreciation Awards
 Sept. 20 - **9:50 A.M.** **HEARING** re: Rezone Appl. No. R-05-11, filed by Dennis Bennett
 Sept. 20 - **10:00 A.M.#1** Adopt a resolution of consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of Community Facilities District No. 2

Sept. 20 - **10:00 A.M.#2** **HEARING** re: CFD No. 2, Annexation No. 93, Final Tract Map No. 5141
 Sept. 20 - **10:15 A.M.** **HEARING** re: the vacation of a portion of North Bryan Avenue west of Barstow Avenue. It is associated with R.I. # 1044-D

Sept. 20 - **10:30 A.M.** **HEARING** – Amending the MFS Resolution to add and adjust various Department of Public Utilities Community Sanitation, Solid Waste, Wastewater, and Water Fees

Sept. 20 - **10:35 A.M.** **CONTINUED HEARING** re: CFD No. 2, Annexation No. 98, Final Tract Map No. 5261
 Sept. 20 - **10:45 A.M.** **HEARING** to consider the formation of CFD No. 14

Oct. 18 - **NO MEETING - COUNCIL BREAK**

Oct. 25 - **8:30 A.M.** Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2nd floor foyer)
 Oct. 25 - **10:00 A.M.** **HEARING** re: vacation of a portion of Harvey east of Clovis (R.I. No. 1045-D)
 Oct. 25 - **4:00 P.M.** **HEARING** - 2005 Cycle II Trimester Plan Amendments

Nov. 9 – (Wed) **3:00 P.M.** Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2nd floor foyer)

Nov. 15 - **10:30 A.M.** Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

Nov. 22 - **NO MEETING - THANKSGIVING WEEK**
 Dec. 20 - **NO MEETING - CHRISTMAS WEEK**
 Dec. 27- **NO MEETING - NEW YEARS WEEK**

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest